



SENATE BILL 558: Eliminating "DEI" in Public Higher Ed.

2025-2026 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: April 3, 2025
Introduced by: Sens. Berger, Overcash, Corbin	Prepared by: Brian Gwyn
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *Senate Bill 558 would prohibit public institutions of higher education from taking certain actions related to discriminatory practices and divisive concepts.*

BILL ANALYSIS: The bill would prohibit public institutions of higher education from doing any of the following:

- Engaging in or advocating for discriminatory practices.
- Compelling students, professors, administrators, or other employees to affirm or profess believe in divisive concepts.
- Endorsing divisive concepts.
- Maintaining an office, division, or other unit (i) promoting discriminatory practices or divisive concepts or (ii) referred to as or named diversity, equity, and inclusion.
- Employing or assigning an employee whose duties include promoting discriminatory practices or divisive concepts.
- Requiring completion of a course related to divisive concepts for purposes of awarding a degree or completing a program, unless approved by the chancellor of the institution.

These prohibitions would not apply to any of the following:

- Speech protected by the First Amendment of the U.S. Constitution.
- Materials accessed on an individual basis for research or independent study that advocate for divisive concepts or discriminatory practices.
- Policies or procedures required by State or federal law.
- Instruction or discussion on divisive concepts that makes it clear the public institution of higher education does not endorse the divisive concepts.

Discriminatory practices would be defined as doing any of the following based on an individual's protected classification under federal law:

- Treating an individual differently solely to advantage or disadvantage that individual as compared to other individuals or groups.
- Excluding an individual from employment, except as allowed under federal law.
- Excluding an individual from participation in an educational program or activity, except as allowed under federal law.

Divisive concepts would include any of the following:

- One race or sex is inherently superior to another race or sex.
- An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.

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- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
- A meritocracy is inherently racist or sexist.
- The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.
- Particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race or sex or to an individual because of the individual's race or sex.
- The rule of law does not exist but instead is a series of power relationships and struggles among racial or other groups.
- All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness.
- Governments should deny to any person within the government's jurisdiction the equal protection of the law.

Public institutions of higher education would be required to certify annually in writing by September to their applicable governing board that they fully comply with the bill's requirements. The Board of Governors and SBCC would be required to summarize the relevant certifications and submit a consolidated report by January 15 annually to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee. For the first certifications due September 1, 2025, public institutions of higher education must include information on the initial implementation of the requirements, including reductions in force and spending, changes to job titles and position descriptions, and how savings achieved from these actions have been directed.

The bill would also prohibit constituent institutions and community colleges from establishing, maintaining, or otherwise implementing a process for reporting or investigating offensive or unwanted speech that is protected by the First Amendment, including satire or speech labeled as microaggression.

EFFECTIVE DATE: The bill would be effective when it becomes law.